



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

DATE: July 27, 2021

TO: Circuit, District, Family and Municipal Court Judges and Staff

FROM: Court Liaisons David Handsor and Melissa Noll  
Michigan Department of State

SUBJECT: Criminal Justice Reform (Decriminalization Package)

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As you are aware, 2020 PA 382 has an effective date of October 1, 2021. This PA amends penalties for certain violations of the Michigan Vehicle Code. To allow for proper notice of license sanctions by mail, **all abstracts for sanctions that will be repealed by 2020 PA 382 should be abstracted by end of day September 16, 2021. Abstracts received on or after September 17, 2021 will not be processed.**

**Repealed** - MCL 257.907(11) – this section previously required the suspension of driver’s license pursuant to section 321a if a person failed to comply with an order or judgment issued under this section.

**DRIVER’S LICENSE SUSPENSIONS**

Bills	Public Acts	Effective Date	Description
<a href="#">HB 5846</a>	2020 PA 376	10/01/21	Amends the suspension and revocation of driver license as sanction for certain vehicle code violations.
<a href="#">HB 5847</a>	2020 PA 377	10/01/21	Eliminates the suspension of driver license for certain violations related to the consumption, sale, or purchase of alcoholic liquor.
<a href="#">HB 5849</a>	2020 PA 378	10/01/21	Updates reference to juror compensation reimbursement fund.
<a href="#">HB 5850</a>	2020 PA 379	10/01/21	Amends suspension of driver license for nonpayment of child support.
<a href="#">HB 5851</a>	2020 PA 380	10/01/21	Eliminates suspension and revocation of driver license as sanction for certain controlled substances offenses.
<a href="#">HB 5852</a>	2020 PA 381	03/24/21	Eliminates licensing sanction for certain controlled substances offenses.

<a href="#">HB 6235</a>	2020 PA 387	10/01/21	Prohibits a denial to issue or renew driver license for failure to appear.
<a href="#">HCR 29</a>	N/A	N/A	Concurrent resolution opposing the enactment and enforcement of a state law, under a federal mandate, that requires the suspension or revocation of a driver's license to an individual convicted of a drug offense.

### Juvenile Dispositions

1. **Repealed** 257.303(1)(k) – Subsection previously prohibited the Secretary of State (SOS) from issuing a driver's license to a person who was convicted of, or received a juvenile disposition for, committing a crime described in MCL 257.319e until the applicable suspension period had expired. See Appendix C for a list of crimes identified in MCL 257.319e.
2. **Repealed** 257.303(5) – This subsection previously allowed the SOS to deny the issuance of a driver's license to a person, until either the age of 17 or 21, if they had received a juvenile disposition for violating MCL 750.411a(2) involving a school.

### Learner's Permit & License Renewals

1. **Amended** 257.306a(3) – Amendment extends the validity of a commercial learner's permit from 180 days to 1 year.
2. **Amended** 257.307(9) – Beginning July 1, 2021, amendment authorizes the SOS to renew an operator's or chauffeur's license for two additional four-year periods.

### License Suspensions

The SOS is no longer required to suspend a driver's license for the following violations:

MCL	Offense	Amended/Repealed
436.1703(2)	Alcohol – Use of Fraudulent Identification by Minor	257.319(3)(d); 436.1703(6)
436.1703(2)	Alcohol – Furnishing Fraudulent Identification to Minor	257.319(3)(d); 436.1703(6)
436.1703(1)	Alcohol – Purchase/Consumption/Possession by Minor – 2 <sup>nd</sup> or Subsequent Offense	257.319(7); 436.1703(6)
750.411a(2)	Offenses Related to the False Report or Threatened Use of Certain Explosives, Bombs, and Harmful Devices Involving a School	257.319(11)

436.1701(1)	Alcohol – Selling/Furnishing to Minor – 2 <sup>nd</sup> or Subsequent Offense	257.319(12); 436.1701(1)
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1. **Repealed** 333.7408a(1) & (2) – Subsections previously outlined the duration of a driver’s license suspension as part of a sentence or juvenile disposition for certain controlled substance convictions. These subsections also previously required a person to immediately surrender his or her driver’s license to the court and for the court to destroy the driver’s license upon suspension under this section.
2. **Repealed** 333.7408a(6)-(13) – Subsections previously outlined the process and requirements to obtain a restricted driver’s license following a conviction for controlled substances violations.
  - a. **Repealed** 769.1e(2) – Eliminated reference to licensing sanctions imposed under MCL 333.7408a.
3. **Repealed** 257.319e – Subsection previously required the SOS to suspend drivers’ licenses upon an abstraction of conviction for attempting, conspiring, or violating MCL 333.7401 to MCL 333.7461 and MCL 333.17766a. It also previously required a license suspension for attempting, conspiring, or violating the law *of another state* for conduct prohibited under either the controlled substance act or the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242.

See Appendix A for a complete list of offenses that no longer require a license suspension upon conviction.

## Reinstatement Fees

1. **New Subsection** 257.320e(4) – Subsection requires the SOS to waive reinstatement fees for individuals whose operator’s or chauffeur’s licenses were suspended, revoked, or restricted for reasons that are no longer eligible. The SOS must also immediately reinstate licenses that were suspended, revoked, or restricted for reasons no longer eligible under the act.

## Failure to Appear, Answer Citation, or Comply with Judgment

1. **Repealed** 600.8827(8) – Section previously required the court to provide a 14-day notice following a defendant’s failure to appear or comply with a state civil infraction. The section also previously required the SOS to not issue or renew a driver’s license until the court (1) informed the SOS the defendant had resolved all outstanding matters, and (2) the defendant had paid the court a \$45 driver license clearance fee.
2. **Amended** 257.321a – Amendment establishes new procedures to suspend a driver’s license for failing to answer certain citations, appear in court, or comply with court orders or judgments (FAC/FCJ suspensions).

Section	Former Section	Amended Section
321a(1)	Established a 93-day misdemeanor for certain failures to appear, answer a citation, or comply with a court	Repealed section and offense.
321a(2)	Required a 14-day notice for FCJ/FAC <i>if the violation is reportable to the SOS</i> under MCL 257.732.	Requires a 14-day notice for FCJ/FAC only on violations <i>“for which license suspension is allowed under this act.”</i>
321a(3)	Required 7- and 14-day notices for certain FAC/FCJ violations if charged or convicted of violating MCL 257.625.	Requires same notice provisions, but expands to also include violations of <i>“section 626 [reckless driving], any driving violation under this act that causes injury, death, or serious impairment of a body function of another individual, [and] a serious offense involving a motor vehicle.”</i> <sup>16</sup>
321a(4)	Required a 7- or 14-day notice for FAC/FCJ violations if charged or convicted of violating sections of MCL 436.1703(1)(b) or (c), MCL 257.624a, and MCL 257.624b.	Repealed section.
321a(6) – (8)	Authorized the court to issue a 10-day notice for FAC regarding certain parking violations.	Repealed sections.
321a(9)	Required a 14-day notice for FAC/FCJ violations on state civil infractions described in MCL 600.8801 to MCL 600.8835.	Repealed section.

### Friend of the Court Suspensions

1. **Amended** 552.628(1) & (2) – Amendment requires the following before a court may suspend a driver’s license for nonpayment on a friend of the court (FOC) case:
  - a. **Arrearage Amount:** An arrearage has accrued in an amount greater than the

amount of periodic support payments payable for two months under the support order (existing requirement).

- b. **Income Withholding:** An order of income withholding is not applicable or has been unsuccessful in assuring regular payments on the support obligation and regular payments on the arrearage (existing requirement).
- c. **Ability to Pay:** The court has conducted an ability to pay assessment and determined the payer has an ability to pay the support but is willfully not making his or her support payments (new requirement).
- d. **Alternative Sanction:** The FOC determined that no other sanction would be effective in assuring regular payments on the support obligation and regular payments on the arrearage (new requirement).

On a separate note, the following offenses were reduced from misdemeanor offenses to civil infractions:

MCL	Offense	Former	New Max
257.208b	Driver Education and Limousine Record Violations	Misdemeanor – \$500	Civil Infraction – \$100
257.239	Motor Vehicles – Failing to Endorse and Delivery Certificate of Title to Transferee	Misdemeanor – 90 Days	Civil Infraction – \$100
257.312a	Motorcycles – Operating Without Endorsement (1 <sup>st</sup> violation)	Misdemeanor – 90 Days	Civil Infraction – \$250
257.325	Motor Vehicles – Allowing Unlicensed Minor to Operate	Misdemeanor – 90 Days	Civil Infraction – \$100
257.624b(4)	Motor Vehicle – Transfer of to Avoid Impoundment	Misdemeanor – 90 Days	Civil Infraction – \$100
257.677a	Snow on Highway – Obstructing Vision	Misdemeanor – 90 Days	Civil Infraction – \$100
257.682c	Motor Vehicles – Operating Commercial Snow Removal Vehicle Without Flashing Lights	Misdemeanor – 90 Days	Civil Infraction – \$100
257.698(5)	Motor Vehicles – Use/Possession of Flashing Lights	Misdemeanor – 90 Days	Civil Infraction – \$100
257.698(6)	Motor Vehicles/Sale of Flashing Lights/Unauthorized Use of Emergency Vehicle	Misdemeanor – 90 Days	Civil Infraction – \$100
257.707c(2)	Motor Vehicles – New – Excessive	Misdemeanor – \$100	Civil Infraction – \$100

257.707c(4)	Motor Vehicles – Sale or Installation	Misdemeanor – \$100	Civil Infraction – \$100
257.707c(6)	Motor Vehicles – Dealer Sale of Noncompliant Vehicle	Misdemeanor – \$100	Civil Infraction – \$100

If you have any questions, please contact David Handsor, [handsord@michigan.gov](mailto:handsord@michigan.gov), (517) 636-0129 or Melissa Noll, [nollm1@michigan.gov](mailto:nollm1@michigan.gov), (517) 241-3460.

## **APPENDIX A – OFFENSES NO LONGER ELIGIBLE FOR LICENSE SUSPENSION UNDER MCL 257.319e**

Effective October 1, 2021, MCL 257.319e is repealed. MCL 257.319e required the SOS to suspend drivers' licenses upon an abstraction of conviction for attempting, conspiring, or violating MCL 333.7401 to MCL 333.7461, and MCL 333.17766a (which was repealed on January 3, 2002). Given the repeal of MCL 257.319e, license suspension is no longer required upon conviction of any of the offenses identified below.

<b>MCL</b>	<b>Offense</b>
333.7401(2)(a)(i)	Controlled Substance – Delivery/Manufacture (Narcotic/Cocaine) 1000
333.7401(2)(a)(ii)	Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) 450 to 999 Grams
333.7401(2)(a)(iii)	Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) 50 to 449 Grams
333.7401(2)(a)(iv)	Controlled Substance – Delivery/Manufacture (Cocaine, Heroin, or Another Narcotic) Less Than 50 Grams
333.7401(2)(b)(i)	Controlled Substance – Delivery/Manufacture – Ecstasy/MDMA
333.7401(2)(b)(i)	Controlled Substance – Delivery/Manufacture – Methamphetamine
333.7401(2)(b)(ii)	Controlled Substance – Delivery/Manufacture (Schedules 1, 2, & 3 Except Marihuana, Methamphetamine, Ecstasy, and Cocaine)
333.7401(2)(b)(ii)	Controlled Substance – Delivery/Manufacture (Substance Added to Schedules 1, 2, & 3 by Rule)
333.7401(2)(c)	Controlled Substance – Delivery/Manufacture (Schedule 4)
333.7401(2)(c)	Controlled Substance – Delivery/Manufacture (Added to Schedule 4 by Board Rule)
333.7401(2)(d)(i)	Controlled Substance – Delivery/Manufacture 45 Kilograms or More of Marijuana/Synthetic Equivalent; or 200 or More Plants
333.7401(2)(d)(ii)	Controlled Substance – Delivery/Manufacture 5-44 Kilograms of Marijuana/Synthetic Equivalent; or 20-199 Plants
333.7401(2)(d)(iii)	Controlled Substance – Delivery/Manufacture Marijuana/Synthetic Equivalents Less than 5 Kilograms; or 1-19 Plants
333.7401(2)(e)	Controlled Substance – Delivery/Manufacture (Schedule 5)
333.7401(2)(f)	Prescription Forms – Manufacture/Deliver
333.7401a	Controlled Substance – Delivery to Commit Criminal Sexual Conduct
333.7401b(3)(a)	Controlled Substance – Delivery/Manufacture – GBL
333.7401b(3)(b)	Controlled Substance – Possession of GBL
333.7401c(2)(a)	Controlled Substance – Operating/Maintaining a Laboratory
333.7401c(2)(b)	Controlled Substance – Operating/Maintaining a Laboratory in Presence of Minor
333.7401c(2)(c)	Controlled Substance – Operating/Maintaining a Laboratory Involving Hazardous Waste
333.7401c(2)(d)	Controlled Substance – Operating/Maintaining a Laboratory Near Specified Places

333.7401c(2)(d)	Controlled Substance – Operating/Maintaining a Methamphetamine Laboratory Near Specified Places
333.7401c(2)(e)	Controlled Substance – Operating/Maintaining a Laboratory Involving Firearm/Other Harmful Device
333.7401c(2)(f)	Controlled Substance – Operating/Maintaining a Laboratory Involving Methamphetamine
333.7402(2)(a)	Controlled Substance – Creation/Delivery Counterfeit Substance (Narcotic/Ecstasy)
333.7402(2)(b)	Controlled Substance – Creation/Delivery of a Counterfeit Substance – Methamphetamine
333.7402(2)(b)	Controlled Substance – Creation/Delivery of a Counterfeit Substance (Schedule 1, 2, or 3)
333.7402(2)(c)	Controlled Substance – Creation/Delivery of a Counterfeit Substance (Schedule 4)
333.7402(2)(d)	Controlled Substance – Creation/Delivery of a Counterfeit Substance (Schedule 5)
333.7402(2)(e)	Controlled Substance – Creation/Delivery of an Analogue
333.7403(2)(a)(i)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 1000 or More Grams
333.7403(2)(a)(ii)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 450 to 999 Grams
333.7403(2)(a)(iii)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 50 to 449 Grams
333.7403(2)(a)(iv)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 25 to 49 Grams
333.7403(2)(a)(v)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) Less Than 25 Grams
333.7403(2)(b)(i)	Controlled Substance – Possession of Methamphetamine/Ecstasy
333.7403(2)(b)(ii)	Controlled Substance – Possession of Analogues
333.7403(2)(b)(ii)	Controlled Substance – Possession (Substance Added to Schedules 1,2,3, or 4 By Rule)
333.7403(2)(c)	Controlled Substance – Possession (Schedule 5 and LSD, etc.)
333.7403(2)(c)	Controlled Substance – Possession (Substance Added to Schedule 5 by Rule)
333.7403(2)(d)	Controlled Substance – Possession of Marihuana/Synthetic
333.7403(2)(e)	Prescription Forms – Possession
333.7403a	Controlled Substance – Fraudulently Obtaining
333.7404(2)(a)	Controlled Substance – Use (Narcotic/Cocaine/Ecstasy)
333.7404(2)(a)	Controlled Substance – Use Methamphetamine
333.7404(2)(b)	Controlled Substance – Use
333.7404(2)(c)	Controlled Substance – Use (Schedule 5 or LSD, Etc.)
333.7404(2)(d)	Controlled Substance – Use of Marihuana/Synthetic Marihuana/Spice/Salvia
333.7405(1)(a)	Controlled Substance – Licensee Prescription Violations
333.7405(1)(b)	Controlled Substance – Manufacture/Distribute Outside of License



333.7405(1)(c)	Controlled Substance – Refusing Inspection
333.7405(1)(d)	Controlled Substance – Maintaining a Drug House
333.7405(1)(e)	Controlled Substance – Dispensing Prescription From Out-of-State Prescriber
333.7407(1)(a)	Controlled Substance – Licensee/Distribute Without Order Form
333.7407(1)(b)	Controlled Substance – Use a Fictitious License Number
333.7407(1)(c)	Controlled Substance – Obtaining by Fraud
333.7407(1)(d)	Controlled Substance – False Reporting
333.7407(1)(e)	Controlled Substance – Counterfeiting Implements
333.7407(1)(f)	Controlled Substance – Counterfeit Prescription Forms
333.7407(2)	Controlled Substance – Failure to Keep Records
333.7407a	Controlled Substance – Inducing Person to Violate – Felony
333.7407a	Controlled Substance – Inducing Person to Violate – High Misdemeanor
333.7407a	Controlled Substance – Inducing Person to Violate – Misdemeanor
333.7407a(1)	Controlled Substance – Attempt – Felony
333.7407a(1)	Controlled Substance – Attempt – High Misdemeanor
333.7407a(1)	Controlled Substance – Attempt – Misdemeanor
333.7410(1)	Controlled Substance – Delivery to Minor (Narcotic or Cocaine) Less Than 50 Grams
333.7410(1)	Controlled Substance – Delivery to Minor (Schedules 1, 2 and 3 Except Marihuana, Methamphetamine, Ecstasy/MDMA and Cocaine)
333.7410(1)	Controlled Substance – Delivery of Ecstasy/MDMA to Minor
333.7410(1)	Controlled Substance – Delivery of Methamphetamine to Minor
333.7410(1)	Controlled Substance – Delivery to Minor (Substance Added to Schedules 1, 2, & 3 By Rule)
333.7410(1)	Controlled Substance – Delivery to Minor (Schedule 4)
333.7410(1)	Controlled Substance – Delivery to Minor Marihuana
333.7410(1)	Controlled Substance – Delivery to Minor (Added to Schedule 4 By Board Rule)
333.7410(1)	Controlled Substance – Delivery to Minor (Schedule 5)
333.7410(1)	Controlled Substance – Delivery of GBL to Minor
333.7410(2)	Controlled Substance – Delivery on School or Library Property (Narcotics or Cocaine) Less Than 50 Grams
333.7410(3)	Controlled Substance – Possession With Intent to Deliver on School or Library Property (Narcotic or Cocaine) Less Than 50 Grams
333.7410(4)	Controlled Substance – Possession On School or Library Property (Narcotic or Cocaine) Less Than 25 Grams
333.7410(4)	Controlled Substance – Possession On School or Library Property Schedules 1, 2, 3, 4
333.7410(4)	Controlled Substance – Possession on School or Library Property (Schedule 5)
333.7410(4)	Controlled Substance – Possession of Marijuana on School or Library Property

333.7410(4)	Controlled Substance – Possession of GBL on School or Library Property
333.7410(4)	Controlled Substance – Possession on School or Library Property – Methamphetamine
333.7410(6)	Controlled Substance – Manufacture of Methamphetamine on School or Library Property
333.7410a	Controlled Substance – Delivery/Possession in a Park
333.7410a	Controlled Substance – Delivery/Possession in a Park – Methamphetamine
333.7413(1)	Controlled Substance – 2 <sup>nd</sup> or Subsequent Offense Notice – Double Penalty – Felony
333.7413(1)	Controlled Substance – 2 <sup>nd</sup> or Subsequent Offense Notice – Double Penalty – High Misdemeanor
333.7413(1)	Controlled Substance – 2 <sup>nd</sup> or Subsequent Offense Notice – Double Penalty – Misdemeanor
333.7413(2)	Controlled Substance – Delivery/Possession With Intent to Deliver on School property (Narcotic or Cocaine) Less Than 50 Grams – 2 <sup>nd</sup> or Subsequent Offense Notice
333.7416	Controlled Substance – Inducing A Minor To Commit A Felony
333.7417	Controlled Substance – Selling Falsely Represent Products
333.7453	Controlled Substance – Sale of Paraphernalia
333.7455	Controlled Substance – Sale of Paraphernalia to Minor